

REMARKS

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1, 2, 4, 10-12, 46, 47, 49 and 76-78 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6134,445 issued to Gould et al. (*Gould*). Applicant submits claims 1, 2, 4, 10-12, 46, 47, 49 and 76-78 are not anticipated by *Gould* for at least the reasons set forth below.

Independent claim 1 recites, in part, the following:

receiving the wireless data transmission wherein the wireless data transmission includes multiple streams of data and originates from a spatial multiplexing system having multiple transmit antennae;

Independent claims 46 and 76 recite similar limitations.

Gould is cited as disclosing receiving a wireless data transmission at a wireless receiver wherein the wireless data transmission originates from multiple transmit antennae of multiple base station radios. Whether or not *Gould* actually teaches the limitations cited in the Office action, *Gould* does not teach or disclose spatial multiplexing. Thus, *Gould* cannot teach or disclose receiving a wireless data transmission wherein the wireless data transmission includes multiple streams of data and originates from a **spatial multiplexing system** having multiple transmit antennae. Therefore, Applicant respectfully submits claims 1, 46 and 76 are not anticipated by *Gould*.

Claims 2, 4 and 10-12 depend from claim 1. Claims 47 and 49 depend from claim 46. Claims 77-78 depend from claim 76. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits claims 2, 4, 10-12, 47, 49 and 77-78 are not anticipated by *Gould*.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 3, 5-9, 13-15, 48, 50-56, 74-75 and 79-88

Claims 3, 5-9, 13-15, 48, 50-56, 74, 75 and 79-88 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gould*, and further in view of various other cited references: specifically, claims 3, 5 and 48 in view of U.S. Patent No. 6,141,388 issued to Servais et al. (*Servais*); claims 6, 13 and 14 in view of U.S. Patent No. 6,732,323 issued to Mitlin et al. (*Mitlin*); claim 8 in view of U.S. Patent No. 5,682,489 issued to Harrow et al. (*Harrow*); claim 15 in view of Japanese Patent No. JP405322946 issued to Fujii et al. (*Fujii*); claim 7 in view of *Servais* and *Mitlin*; claim 9 in view of *Servais* and *Harrow*; claim 50 in view of *Servais* and further in view of U.S. Patent No. 6,636,994 issued to Waschura et al. (*Waschura*); claims 51, 56 and 83 in view of U.S. Patent No. 5,715,136 issued to Noe et al. (*Noe*); claims 52 and 55 in view of U.S. Patent No. 5,136,528 issued to Fordham et al. (*Fordham*); claim 53 in view of *Servais*, *Waschura*, and *Noe*; claim 54 in view of *Servais*, *Waschura*, and *Fordham*; claims 74, 75 and 82 in view of U.S. Patent No. 5,325,403 issued to Siwiak et al. (*Siwiak*); claims 79 and 80 in view of U.S. Patent No. 6,898,248 issued to Elgamal et al. (*Elgamal*); claim 81 in view of *Elgamal* and *Waschura*; claims 85 and 86 in view of *Siwiak* and *Elgamal*; claim 87 in view of *Siwiak*, *Elgamal*, and *Waschura*; and claim 88 in view of *Siwiak* and *Noe*. Applicant notes that the examination of the claimed invention and the application of these numerous references is a significant task; Applicant thanks the Examiner for the thorough examination and the thorough analysis of the references.

Claims 79 and 84-88 have been cancelled without prejudice. Therefore, the rejection of these claims is moot. Applicant respectfully submits that claims 3, 5-9, 13-15, 48, 50-56, 74, 75 and 80-83 are not rendered obvious by the cited references for at least the following reasons.

Each of the rejections made above is based on the application of *Gould*, shown above to be defective with respect to independent claims 1, 46 and 76 from which each of the above-listed dependent claims depends. The cited references do not cure the deficiencies of *Gould* noted above with respect to the independent claims. Applicant respectfully submits that a prima facie case of obviousness under MPEP § 2143 has not been established with respect to independent claims 1, 46 and 76 at least for failing to establish that the cited references disclose every element of the claimed invention. Because the independent claims are nonobvious, the dependent claims are also nonobvious. See MPEP § 2143.03.

CLAIMS 1, 46 AND 76 IN VIEW OF JACKSON ET AL.

U.S. Patent No. 6,097,704 issued to Jackson et al. (*Jackson*) was previously cited in an Office action mailed August 26, 2004 as anticipating claims 1-50 and 57-73. In a response to the Office action, mailed February 28, 2005, Applicant traversed the rejection of claims 1-50 and 57-73 based on *Jackson*. However, for reasons other than overcoming the rejection, claims 16-45 were cancelled without prejudice. Claims 1, 46 and 76 have been amended to include subject matter from cancelled claim 31. Applicant respectfully submits that *Jackson* fails to teach or disclose **spatial multiplexing**. Thus, Applicant submits *Jackson* does not teach or disclose receiving a wireless data transmission wherein the wireless data transmission includes multiple streams of data and originates from a **spatial multiplexing system** having multiple transmit antennae.

CONCLUSION

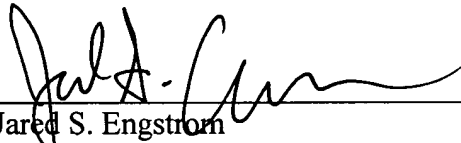
In view of the amendments and remarks set forth above, Applicant submits that claims 1-15, 46-56 and 74-78 and 80-83 are in condition for allowance and such action is respectfully

solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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